

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF GEORGIA  
MACON DIVISION**

KERRY A. POLK, \*  
Petitioner, \*  
VS. \* CASE NO. 5:06-CV-14 (WDO)  
\* 18 U.S.C. §3559(C)(7)  
UNITED STATES OF AMERICA, \* CASE NO. 5:98-CR-00066 (WDO)  
Respondent. \*

**ORDER**

This order hereby adopts and incorporates the Report and Recommendation that the United States Magistrate Judge filed in this case on March 8, 2006. The Court has reviewed and carefully considered Defendant's Objections to the Magistrate Judge's Recommendation, and Petitioner's Objections filed thereto, and find said Objections to be without merit.

Accordingly, Petitioner's Motion under 28 U.S.C. § 3559(c)(7), characterized as a second and successive 28 U.S.C. 2255 6(4) Motion To Vacate, Set Aside, or Correct his Sentence is hereby **DENIED**.

**SO ORDERED**, this 5<sup>th</sup> day of April 2006.

S/  
WILBUR D. OWENS, JR.  
UNITED STATES DISTRICT JUDGE